

REMARKS

Reconsideration and withdrawal of the rejections of the application is respectfully requested in view of the remarks and amendments herein.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 21-31 are now pending. Claims 32-37 have been added, without prejudice, without admission, without surrender of subject matter, and without any intention of creating any estoppel as to equivalents.

No new matter is added.

It is submitted that these claims are and were in full compliance with the requirements of 35 U.S.C. §112. In addition, the amendment and remarks herein are not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112; but rather the amendments and remarks herein are made simply to round out the scope of protection to which Applicant is entitled.

Applicants note that claims 22, 23, 25, 27, 28 and 30 have not been subject to the prior art rejection. In order to further prosecution, Applicants have provided new claims 32-37 in which claims 22, 23, 25, 27, 28 and 30 are presented in independent form.

II. THE REJECTION UNDER 35 U.S.C. §102 ARE OVERCOME

Claims 21, 24, 26, 29 and 31 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by Cuisinier *et al.* The rejection is respectfully traversed.

Cuisiniere *et al.* has a publication date of July 1997. The present application was filed August 30, 2001 as a divisional of US Patent Application No. 09/232,278 filed January 15, 1999, which application is a continuation-in-part of international patent application PCT/FR97/01315 filed July 15, 1997, and which claims priority to French application 96/09337 filed July 19, 1996. Both PCT/FR97/01315 and 96/09337 were originally filed in French, such that the present application has been accorded a priority date of January 15, 1999.

Applicants respectfully assert that the present application is entitled to a priority date of July 19, 1996. In order to verify the priority claim, Applicants are obtaining, and will provide under separate cover, a verified translation of the priority documents. Applicants are providing this amendment in conjunction with a Request for Continued Examination of Time, and

Applicants have requested a three-month suspension in order to facilitate the obtaining and transmittal of the certified translations.

As review of the verified translation will result in the present application being afforded a priority date of July 17, 1996, which date is a full year prior to the publication date of Cuisiniere, Applicants respectfully submit that the art rejection based on Cuisiniere is improper and cannot stand.

Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. §102(b) is respectfully requested in view of the remarks above and the verified English translations of the priority documents, as provided under separate cover.

REQUEST FOR INTERVIEW

If any issue remains an impediment to allowance, a further interview with the Examiner is respectfully requested and the Examiner is additionally requested to contact the undersigned to arrange a mutually convenient time and manner for such an interview.

CONCLUSION

Favorable reconsideration of the application as amended herein and prompt issuance of a Notice of Allowance, or an interview at a very early date with a view to placing the application in condition for allowance, are earnestly solicited. The undersigned looks forward to hearing favorably from the Examiner at an early date.

Respectfully Submitted,
FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By: /Angela M. Collison/.
Thomas J. Kowalski
Reg. No. 32,147
Angela M. Collison
Reg. No. 51,107
Tel. (212) 588-0800